

JOE WARDY
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

VACANT
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
OCTOBER 26, 2004
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Pro Tempore Anthony W. Cobos present and presiding and the following Council Members answered roll call: Susan Austin, Robert A. Cushing, Jr., Jose Alexandro Lozano, John F. Cook and Vivian Rojas. Late Arrival: Paul J. Escobar arrived at 10:02 a.m. Absent: Mayor Joe Wardy. Meeting was called to order at 9:10 a.m. and the invocation was given by Pastor James Larry Williams, followed by the Pledge of Allegiance to the Flag of the United States of America.

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MAYOR'S PROCLAMATIONS

1. **HALLOWEEN HAPPINESS WEEK**
2. **ARCHITECTS MONTH**
3. **WEST TEXAS CONFEDERATION OF CLUBS TOY RUN WEEK**

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RECOGNITION

Recognition of Ismael Baeza, El Paso taxi cab driver, who drove an elderly couple to Central Texas waiving their \$1200 fare. Ismael's citizenship and true love for humanity has been recognized nationwide.

Representative Lozano thanked Mr. Baeza for his outstanding deed.

Mayor Pro Tempore Anthony Cobos presented Mr. Baeza with a Certificate of Recognition.

Mr. Joe Olivas, Border Cab Company, read into the record a letter from Sargeant Mark Berk, Bandera Police Department, praising Mr. Baeza for safely transporting the elderly couple to their home. He thanked the Council, the El Paso Times and other selfless individuals for recognizing Mr. Baeza. He presented Mr. Baeza with a plaque from Border Cab Company and an enveloped filled with donations from across the nation.

Mr. Ismael Baeza, Border Cab Company taxi driver, humbly thanked City Council Members, the City of El Paso, and Mr. Olivas. He stated he was just doing his job.

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NO ACTION WAS TAKEN on the following item: Responsibility for maintaining City property.

[Robert D. Pickens]

Mr. Robert D. Pickens, citizen, commented.

Mr. Martin Rubalcava, citizen, commented.

Mr. Alan Shubert, Director of Building Permits and Inspections, commented.

Representatives Cushing, Rojas, Cook and Ms. Joyce Wilson, City Manager, commented.

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NO ACTION WAS TAKEN on the following item: Resolved: Whereas there is need for clarity and consistency in the enforcement of Code section 19.16.050 (H); the deputy director for building services shall not grant any waiver of preserving the natural state of arroyos in the city for public health, safety or welfare or any other reason. The Planning Department shall not recommend for approval any planned development that may require such waiver. All waivers to preservation of the natural state of any arroyo shall require approval by the City Council. Pending further definition of an arroyo by this council, all questions of whether a particular area is an arroyo or not shall be resolved with the presumption that it is an arroyo and approval of council shall be required prior to disturbance of the natural state.

[Stuart B. Mitchell, Mountain Arroyos Neighborhood Association]

Mr. Stuart B. Mitchell, Mountain Arroyos Neighborhood Association, commented on City of El Paso Municipal Code Section 19.16.050, Subsection H.

The following individuals spoke in favor of the enforcement of Municipal Code 19.16.050, Subsection H.

1. Rick Bonart, citizen;
2. Alberto Rivas, Five Points Neighborhood Association; and
3. Bill Sparks, citizen

The following individual spoke in opposition:

Mr. Frank Ainsa, attorney.

Mr. Martin Rubalcava, citizen, commented.

Representatives Cobos, Cushing, and Austin commented.

Ms. Lisa Elizondo, City Attorney, Mr. Rick Connor, City Engineer, and Ms. Terri Cullen-Garney, Deputy City Attorney, commented.

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Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to **RECESS** the City Council meeting at 9:33 a.m. for the Mass Transit Department Board meeting.

.....
Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to **RECONVENE** the City Council meeting at 9:43 a.m. following the Mass Transit Department Board meeting.

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Motion made by Representative Cushing, seconded by Representative Austin and unanimously carried to **APPROVE**, as revised, all matters listed under the Consent Agenda unless otherwise noted.

(Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

Representative Escobar was not present for the vote.

*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meetings of October 5, 2004 and October 19, 2004.

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*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to **POSTPONE TWO (2) WEEKS** the approval of the Minutes for the Regular City Council Meeting of September 21, 2004.

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1st Motion:

Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **RECONSIDER** the request to excuse Mayor Joe Wardy from the Regular City Council Meeting of October 26, 2004.

2nd Motion:

Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to **EXCUSE** Mayor Joe Wardy from the Regular City Council Meeting of October 26, 2004.

.....
Motion made by Representative Cushing, seconded by Representative Austin and unanimously carried to **MOVE TO THE REGULAR AGENDA** the following:

Representative Escobar was not present for the vote.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign a First Amendment to the Industrial Site Lease by and between the City of El Paso ("Lessor") and B & J Family Limited Partnership f/k/a Bobrow Family Limited Partners ("Lessee") for property municipally known and numbered as 1633 Airway, El Paso, Texas, to change the permitted uses and to clarify the terms of the percentage rent to be paid.

Mr. Martin Rubalcava, citizen, commented.

Mr. Patrick Abeln, Director of Aviation, commented.

Motion made by Representative Lozano, seconded by Representative Cushing and unanimously carried to **APPROVE** the above Resolution.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Memorandum of Agreement between the CITY OF EL PASO and WILLIAM LOCKRIDGE AND LOANDA LOCKRIDGE for the purchase of

Parcel 11-5,104 square feet, more or less, being a portion of Lot 12, Block 7, of Hueco View Acres, an Addition to the City of El Paso, El Paso County, Texas, according to the Plat Records of El Paso County, Texas.

to be used for the Lee Boulevard Extension Project.

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Motion made by Representative Cushing, seconded by Representative Austin and unanimously carried to **MOVE TO THE REGULAR AGENDA AND CONSIDER TOGETHER** the following:

Representative Escobar was not present for the vote.

- 1. A resolution formally commencing renewal proceedings for a Cable Television Franchise for the City of El Paso, Texas.
- 2. Discussion and action on the Annual Report by the Cable Communications Commission, and the Commission's recommendations and findings.

RESOLUTION

A RESOLUTION FORMALLY COMMENCING RENEWAL PROCEEDINGS FOR A CABLE TELEVISION FRANCHISE FOR THE CITY OF EL PASO, TEXAS.

WHEREAS, Time Warner Cable's ("TWC") franchise with the City of El Paso, Texas to provide cable television service will expire on March 31, 2007; and

WHEREAS, TWC has submitted a letter to the City seeking renewal of the TWC cable television franchise with the City; and

WHEREAS, the City desires to commence renewal proceedings which affords the public in the City reasonable notice and an opportunity to participate for the purpose of (a) identifying the future cable-related community needs and interest, and (b) reviewing the performance of the cable operator, TWC, under the current franchise term, pursuant to the provisions of 47 U.S.C. 546, and does commence such a community cable-related needs assessment process.

NOW, THEREFORE, be it resolved by the City Council of the City of El Paso:

- 1. That the City hereby confirms that it is commencing the franchise renewal process for the TWC cable franchise, pursuant to the provisions of 47 U.S.C. 546.
- 2. That the City Manager is hereby authorized to take all steps necessary for the renewal proceedings as may be required under the provisions of 47 U.S.C. 546, and under the current franchise, including conducting a community cable-related needs assessment, in coordination with the Cable Communication Commission and community groups as appropriate.

Ms. Joyce Wilson, City Manager, commented.

Motion made by Representative Cushing, seconded by Representative Cook and unanimously carried to **APPROVE** the above Resolution.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of SEVENTEEN THOUSAND SEVEN HUNDRED AND NO/100 DOLLARS (\$17,700.00 Grant Note-\$1,325.00, Loan Note-\$16,375.00), against the following described real property:

Lot 3, Block 15, FIRST REVISED MAP RANCLAND HILLS ADDITION NO. 4, an addition to the City of El Paso, El Paso County, Texas; according to the plat thereof on file in Book 17, Page 67, Plat Records of El Paso County, Texas; known and numbered as 1203 Cuba

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of One Hundred Thirty Two and 30/100 Dollars (\$132.30).

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of TEN THOUSAND AND NO/100 DOLLARS (\$10,000.00 Grant Note-\$5,000.00, Loan Note-\$5,000.00), against the following described real property:

Lots 26 and 27, Block 6, HACIENDA HEIGHTS CORRECTED MAP, an addition to the City of El Paso, El Paso County, Texas; according to the map thereof on file in Book 12, Page 6, Plat Records of El Paso County, Texas; known and numbered as 604 Ameca

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of One and 99/100 Dollars (\$1.99).

.....
Motion made by Representative Cushing, seconded by Representative Austin and unanimously carried to **MOVE TO THE REGULAR AGENDA** the following:

Representative Escobar was not present for the vote.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City Council approves the following waiver request from Josefina N. Acosta, an applicant for financial assistance under the City's First Time Homebuyers Program.

Chapter 6, Page 6-1, 6-2, Subsection I.A.3 and I.A.6, First Time Homebuyers Program requirements in the Community and Human Development Housing Programs Handbook as recommended by the Community and Human Development Director:

There was no discussion.

Motion made by Representative Cushing, seconded by Representative Rojas and unanimously carried to **APPROVE** the above Resolution.

.....
Motion made by Representative Cushing, seconded by Representative Austin and unanimously carried to **MOVE TO THE REGULAR AGENDA** the following:

Representative Escobar was not present for the vote.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign Amendment Number 1 to Texas Commission on Environmental Quality (TCEQ) Contract No. 582-4-64435 and all related documentation on behalf of the El Paso City-County Health and Environmental District. This amendment decreases the total compensation possible from TCEQ and amends the Agreement to allow it to be assigned or terminated upon the dissolution of the District. There is no additional cost to the City-County Health and Environmental District related to this amendment.

Mr. Martin Rubalcava, citizen, commented.

Mr. Jesus Reynoso, Environmental Health Manager, commented.

Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to **APPROVE** the above Resolution.

.....
Motion made by Representative Cushing, seconded by Representative Austin and unanimously carried to **MOVE TO THE REGULAR AGENDA** the following:

Representative Escobar was not present for the vote.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement with the Texas Department of State Health Services for DSHS Document No. 7460007499 2005, Att. 12 and all related documentation on behalf of the El Paso City-County Health and Environmental District. This agreement relates to the performance of asbestos compliance activities beginning October 1, 2004 and ending December 31, 2004. There is no cost to the City-County Health and Environmental District related to this agreement.

Mr. Martin Rubalcava, citizen, commented.

Mr. Jesus Reynoso, Environmental Health Manager, commented.

Representatives Cook, Lozano, Rojas, and Austin commented.

Motion made by Representative Cook, seconded by Representative Rojas and unanimously carried to **APPROVE** the above Resolution.

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Motion made by Representative Cushing, seconded by Representative Austin and unanimously carried to **MOVE TO THE REGULAR AGENDA** the following:

Representative Escobar was not present for the vote.

RESOLUTION

RESOLUTION AUTHORIZING THE MAYOR TO SIGN, ON BEHALF OF THE CITY, AN INTERIM AGREEMENT REGARDING FORBEARANCE AMONG THE UNITED STATES OF AMERICA DEPARTMENT OF THE INTERIOR BUREAU OF RECLAMATION; THE EL PASO COUNTY WATER IMPROVEMENT DISTRICT NUMBER 1; AND THE CITY OF EL PASO, ON BEHALF OF ITS EL PASO WATER UTILITIES PUBLIC SERVICE BOARD; AND, AUTHORIZING THE EL PASO WATER UTILITIES GENERAL MANAGER TO BE THE SIGNATORY ON FARMER FORBEARANCE CONTRACTS AND ASSIGNMENTS OF WATER ALLOCATION TO THE CITY OF EL PASO, EXHIBITS THERETO.

WHEREAS, the Rio Grande Reclamation Project (the "Project") was approved by the United States February 25, 1905 resulting in the construction of the Elephant Butte Reservoir and other structures to provide for agricultural irrigation water for the Project area; and,

WHEREAS, the United States of America Department of the Interior Bureau of Reclamation (the "Bureau") operates the Project and the El Paso County Water Improvement District No. 1 (the "District") receives water from the Project and makes deliveries of the majority of irrigation water to agricultural irrigation farmers in El Paso County and, a much lesser amount, by contractual agreement to the City of El Paso for municipal use; and,

WHEREAS, with the approval of the Bureau and the concurrence of the District, the City of El Paso, acting by and through its El Paso Water Utilities Public Service Board (the "City"), desires to enter into short-term contracts with irrigation water rights farmers for the forbearance of their allotted water so that the water can be sold and delivered to the City; and,

WHEREAS, the El Paso Water Utilities (the "Utility") and the District entered into a Memorandum of Understanding, May 22, 2004, whereby the Utility and the District agreed to enter into an Interim Agreement Regarding Forbearance (the "Interim Agreement") such that the Utility would be able to purchase from irrigation water rights farmers up to 85% of their available irrigation water; and,

WHEREAS, the Utility and the District, in cooperation with the Bureau, have agreed upon the form and content of such Interim Agreement and its individual farmer forbearance contracts; and,

WHEREAS, the Interim Agreement is required by the Bureau to be executed by the Utility, the District, the City of El Paso and, the Bureau to be effective; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

The Mayor is hereby authorized to sign, on behalf of the City, an Interim Agreement Among the United States of America Department of the Interior Bureau of Reclamation, the El Paso County Water Improvement District Number 1, and the City of El Paso, on behalf of its El Paso Water Utilities Public Service Board. The City Council further authorizes the General Manager of the El Paso Water Utilities to sign individual short-term forbearance contracts on behalf of the City.

Mr. Martin Rubalcava, citizen, commented.

Representative Cushing commented.

Mr. Robert Andron, General Counsel for the El Paso Water Utilities Public Service Board, provided legal advice.

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to **APPROVE** the above Resolution.

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***RESOLUTION**

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Third Amended Partnership Agreement between the Upper Rio Grande Workforce Development Board, Inc. and Top Chief Elected Officials of the Upper Rio Grande Workforce Development Area to extend the term of the Partnership's Agreement until October 31, 2005. There is no change to the remaining terms and conditions of the Agreement.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Election Administrator is authorized to set up mobile voting machines at:

Hilos de Plata Senior Center
4451 Delta Drive Monday, October 18, 2004 from 9:00 a.m. to 4:00 p.m.

South El Paso Senior Citizen Center
600 S. Ochoa Monday, October 18, 2004, from 9:00 a.m. to 4:00 p.m.

El Paso Fire Administration
8600 Montana Friday, October 22, 2004 from 8:30 a.m. to 6:00 p.m.

El Paso Police Headquarters
911 N. Raynor Friday, October 22, 2004, from 8:30 a.m. to 6:00 p.m.

El Paso City Hall
2 Civic Center Plaza Tuesday, October 26, 2004, from 8:00 a.m. to 5:00 p.m.

to allow early voting for the November 2nd Election. The City Manager or the Municipal Clerk is authorized to designate exact location in City Hall Building.

NOTE: Resolution was **REVISED**.

Motion made by Representative Cushing, seconded by Representative Austin and unanimously carried to **MOVE TO THE REGULAR AGENDA** the following:

Representative Escobar was not present for the vote.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor, be authorized to sign a Memorandum of Understanding between the City of El Paso and the Department of Homeland Security, Customs and Border Protection, U.S. Border Patrol for reimbursement of overtime expenses from October 27, 2004 to January 22, 2005.

Mr. Martin Rubalcava, citizen, commented.

Representative Cook commented.

Assistant Police Chief Paul Cross commented.

Motion made by Representative Cook, seconded by Representative Rojas and unanimously carried to **APPROVE** the above Resolution **AS REVISED**.

Representative Austin was not present for the vote.

*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 16th day of November, 2004 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 2608-2610 Aurora Avenue AKA 2608 Aurora Avenue #1, #2 & 2610½ Aurora Avenue, in El Paso, Texas, which property is more particularly described as:

Lots: 27 and the East 23 feet of Lot 28, Block 85, Third Amended Map of Highland Park Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 13, Page 8, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Hector Correa and Bertha Correa, 3116 Aurora Avenue, El Paso, Texas 79930, are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owner's lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

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*Motion made by Representative Cushing, seconded by Representative Austin and unanimously carried to **APPROVE** the request for the following names to be placed on the Reinstatement list in accordance with Article VI, Section 6.10-10, of the Civil Service Charter Provisions:

- A. Galceran, Rosario – Public Safety Dispatch Shift Supervisor
- B. Aranda, Javier – Police Officer

Representative Escobar was not present for the vote.

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*Motion made by Representative Cushing, seconded by Representative Austin and unanimously carried to **APPROVE** the following request to fill position on a temporary basis in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions:

Secretary I (1)

Representative Escobar was not present for the vote.

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*Motion made by Representative Cushing, seconded by Representative Austin and unanimously carried to **RE-APPOINT** Laura Foster Kissack to the Fair Housing Task Force by Representative Robert A. Cushing, Jr., District 2.

Representative Escobar was not present for the vote.

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*Motion made by Representative Cushing, seconded by Representative Austin and unanimously carried to **APPOINT** Raymond L. Telles to the Commission on Border Relations by Representative Susan Austin, District 1.

Representative Escobar was not present for the vote.

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*Motion made by Representative Cushing, seconded by Representative Austin and unanimously carried to **APPOINT** Mary Lou Garcia to the Charitable Solicitations Commission by Representative Robert A. Cushing, Jr., District 2.

Representative Escobar was not present for the vote.

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*Motion made by Representative Cushing, seconded by Representative Austin and unanimously carried that Representative Jose Alexandro Lozano **AUTHORIZE THE ALLOCATION** of \$250 from District 3 **DISCRETIONARY FUNDS** to the MultiPurpose Center for their Halloween Party to be held on October 31, 2004.

Representative Escobar was not present for the vote.

NOTE: Request was **REVISED**.

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*Motion made by Representative Cushing, seconded by Representative Austin and unanimously carried that Representative Jose Alexandro Lozano **AUTHORIZE THE ALLOCATION** of \$250 from District 3 **DISCRETIONARY FUNDS** to the Seville Recreation Center for their Halloween Party to be held on October 31, 2004.

Representative Escobar was not present for the vote.

NOTE: Request was **REVISED**.

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*Motion made by Representative Cushing, seconded by Representative Austin and unanimously carried to **APPROVE** Change Order No. Two for the Citywide Repair or Construction of Parkway Structures 2003/2004, Base Bid I (Contract No. 2003-060 C-1), with J.A.R. Concrete, Inc., as follows:

It has been determined that extraordinary increases have occurred in the global steel market. Therefore, in order to be fair and reasonable, contract unit prices are hereby adjusted due to such increases in steel costs. Item No.'s 32, 33, 34, and 44 are amended as shown on Change Order attachment, Exhibit A.

Item No.'s 36, 37, 38, 39 (related to wrought iron fencing), and 40, 41, 42 and 43 (related to chain link fencing), will no longer be used under this contract.

This is a unit price contract. This Change Order is processed for changes to unit price items as noted in the attachment.

Representative Escobar was not present for the vote.

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*Motion made by Representative Cushing, seconded by Representative Austin and unanimously carried to **AWARD** Solicitation No. 2004-253 Janitorial Services-Northwest Corral

Representative Escobar was not present for the vote.

Award to:	CCBS Building Services El Paso, TX
Item (s):	1
Amount:	\$14,688.00 (yearly)
Department:	Municipal Services, Maintenance Dept
Funds available:	31010326-01101-502206
Funding source:	Operating Account, Janitorial Maintenance Svcs Contract
Total award:	\$44,064.00

Municipal Services Department and Purchasing recommend awards as indicated as this vendor has provided the Best Value Bid Procurement meeting specifications.

This is a thirty-six (36) month contract with no option to extend the term of this contract.

Additionally, CCBS Building Services offers a 1% 10 days prompt payment discount.

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*Motion made by Representative Cushing, seconded by Representative Austin and unanimously carried to
AWARD Solicitation No. 2004-254 Automated External Defibrillators

Representative Escobar was not present for the vote.

Award to: Medtronic Emergency Response Systems
Redmond, WA
Item (s): All
Amount: \$42,798.40
Department: Parks & Recreation
Funds available: 51010279-503112
Funding source: Parks & Recreation User Fees (Various) - Clinical Medical Supplies
Total award: \$42,798.40

Parks & Recreation, Fire - Emergency Medical Services and Purchasing Departments recommend award as indicated as Medtronics Emergency Response Systems, meets the Best Value to the City.

This is a one-time procurement with the option to purchase up to 100% of the total quantity amount, at the same unit prices for two (2) additional years.

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*Motion made by Representative Cushing, seconded by Representative Austin and unanimously carried to
AWARD Solicitation No. 2004-250 Less Lethal Munitions

Representative Escobar was not present for the vote.

Award to: C&G Wholesale Inc.
Austin, TX
Item (s): All
Amount: \$23,989.50
Department: Police
Funds available: 21010069-503109-01101
Funding source: General Funds
Total award: \$23,989.50

The Police and Purchasing Departments recommend award as indicated to the lowest responsive offer, by definition meeting specifications, from responsible parties.

A lower bid was received but was deemed non-responsive as detailed in the backup.

This is a requirements type contract with an initial term of twenty-four (24) months with an annual estimated expenditure of \$26,000.00. Vendor offers the City the option to extend the term of the contract at the same prices for two (2) additional years if the option is exercised within two (2) years from the date of award. No prompt payment discount was offered.

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*Motion made by Representative Cushing, seconded by Representative Austin and unanimously carried to
AWARD Solicitation No. 2004-252 Furniture

Representative Escobar was not present for the vote.

Award to: Factory Direct Home Furnishings
El Paso, TX
Item (s): All
Amount: \$25,690.00

Department: Fire Department
 Funds available: 04200401-508009-29204
 Funding source: FY2004 Capital Funds
 Total award: \$25,690.00

The Fire and Purchasing Departments recommend award as indicated to the lowest responsive offer, by definition meeting specifications, from responsible parties.

A lower bid was received but was deemed non-responsive as detailed in the backup.

This is a fixed-price, single (one-time) purchase for furniture for the Fire Department.

An option is offered from the vendor to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within sixty [60] days, from the date of award of the contract. No prompt payment discount offered.

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 *Motion made by Representative Cushing, seconded by Representative Austin and unanimously carried to **AWARD** Solicitation No. 2004-259 Explosive Ordinance Disposal Robot

Representative Escobar was not present for the vote.

Award to: Foster-Miller, Inc.
 Waltham, MA
 Item (s): 1 – One (1) Each with
 Optional Items O1, O3 and O4
 Amount: \$120,521.00

Department: El Paso Police Department
 Funds available: 22150024-508007-07164-G220405
 Funding source: Homeland Security Grant
 Total award: \$120,521.00

The Police, Purchasing Departments and the Fire Department Office of Emergency Management recommend award as indicated as this vendor has provided the sole bid meeting specifications.

This is a fixed-price, single (one-time) purchase, to purchase one (1) Explosive Ordinance Disposal Robot. There is also an option to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within ninety (90) days from the date of award of the contract. No prompt payment discount is offered.

.....
 *Motion made by Representative Cushing, seconded by Representative Austin and unanimously carried to **APPROVE** budget transfer BT2005-031 BUILDING AND PLANNING SERVICES

Representative Escobar was not present for the vote.

Building and Planning Services proposes to establish appropriations for the Memorial Park Library Renovation. Funding source is Texas State Library grant.

Increase	\$59,808.29	to	31255001/P50155227679/508027	Construction
Increase	\$59,808.29	to	31255001/P50155227679/407002	Est Rev

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*Motion made by Representative Cushing, seconded by Representative Austin and unanimously carried to **APPROVE** the request of The Southwestern Pride to hold a parade on June 4, 2005 from 11:00 a.m. to 1:00 p.m. Route: Start on Montana and St. Vrain, proceed on Montana to Mesa, south on Mesa to San Antonio, east on San Antonio to Ochoa, south on Ochoa to First St., and finish at First St. and Ochoa. Approximately 165 persons, 5 vehicles, 5 animals, 4 floats will take part and 300 spectators are anticipated. This request includes permission to use amplification (1 bullhorn and amplifier) PERMIT NO. 04-129
[Jerry Correia]

Representative Escobar was not present for the vote.

*Motion made by Representative Cushing, seconded by Representative Austin and unanimously carried to **APPROVE** the request of the El Paso Police Department to use amplification (Mobile Disco-1 microphone, 2 speakers, and 1 amplifier) at Album Park on November 6, 2004 from 12:00 p.m. to 2:00 p.m. Approximately 2,500 persons will take part and 2,500 spectators are anticipated. PERMIT NO. 04-136

Representative Escobar was not present for the vote.

*Motion made by Representative Cushing, seconded by Representative Austin and unanimously carried to **APPROVE** the request of Morgan Marie Neighborhood Watch to block off 1248-1332 Morgan Marie St between Tender Foot and Amber Morgan on October 31, 2004 from 6:00 p.m. to 10:00 p.m. for a Halloween event. Approximately 50 persons will take part and 200 spectators are anticipated. Barricades must be manned according to the State's "Manual of Uniform Traffic Devices." PERMIT NO. 04-140
[Sandie Sparks]

Representative Escobar was not present for the vote.

*Motion made by Representative Cushing, seconded by Representative Austin and unanimously carried to **APPROVE** the request of Carrie Bagg to block off 6000 block of Calle Bonita Ln. October 30, 2004 from 4:00 p.m. to 8:00 p.m. for a block party. Approximately 30 persons will take part. Barricades must be manned according to the State's "Manual of Uniform Traffic Devices." PERMIT NO. 04-141 [Carrie Bagg]

Representative Escobar was not present for the vote.

*Motion made by Representative Cushing, seconded by Representative Austin and unanimously carried to **APPROVE** the request of Armijo Recreation Center/Southside Agencies to block off Seventh St. between Campbell and Florence, block off Florence St. between Sixth St. and Seventh St. on October 31, 2004 from 2:00 p.m. to 6:30 p.m. for a Halloween block party. Approximately 2,500 persons will take part and 2,500 spectators are anticipated. Barricades must be manned according to the State's "Manual of Uniform Traffic Devices". This request includes permission to use amplification (P.A. system and disco in Armijo Rec. Gym and Library patio). PERMIT NO. 04-138 [Sandy Rodriguez/Dean Fernandez]

Representative Escobar was not present for the vote.

*Motion made by Representative Cushing, seconded by Representative Austin and unanimously carried to **APPROVE** the request of Father Yermo ELC to hold a United Nations Day Celebration on October 29, 2004 from 2:00 p.m. to 3:00 p.m. Route: Start at 616 S. Virginia St., to Third St., turn left on Third St. to Ochoa, turn left on Ochoa to Father Rahm, turn left on Virginia St. and finish at Father Yermo ELC's playground. Approximately 90 persons will take part and 50 spectators are anticipated. PERMIT NO. 04-137 [Alfredo Palacio]

Representative Escobar was not present for the vote.

*Motion made by Representative Cushing, seconded by Representative Austin and unanimously carried to **APPROVE** the request of Jesus & Mary Roman Catholic Church to hold a procession on October 31, 2004 from 11:00 a.m. to 12:00 p.m. Route: Start at 1401 W. Yandell Dr. to Missouri Ave., turn left on Missouri Ave. to 1020 Missouri, and turn back around the same route to 1401 W. Yandell Dr. Approximately 150 persons will take part. PERMIT NO. 04-139 [Brother Louis]

Representative Escobar was not present for the vote.

.....
*Motion made by Representative Cushing, seconded by Representative Austin and unanimously carried to **APPROVE** the request of the Mexican Consulate to block off San Antonio between Virginia and St. Vrain on November 2, 2004 from 6:00 p.m. to 8:30 p.m. for a Day of the Dead ceremony. Approximately 30 persons will take part and 200-300 spectators are anticipated. Barricades must be manned according to the State's "Manual of Uniform Traffic Devices." PERMIT NO. 04-144 [Victor M. Trevino]

Representative Escobar was not present for the vote.

.....
*Motion made by Representative Cushing, seconded by Representative Austin and unanimously carried to **APPROVE** the request of Captain Otis Davis to hold a ruck march on October 28, 2004 from 3:00 a.m. to 9:00 a.m. Route: Start at the west side of Transmountain Rd. to Gateway South, turn right on Gateway South and finish at the Cohen Stadium parking lot. Approximately 550 persons and 20 vehicles will take part. PERMIT NO. 04-146 [Captain Otis Davis]

Representative Escobar was not present for the vote.

.....
Motion made by Representative Cook, seconded by Representative Rojas and unanimously carried that the following Ordinances, having been **INTRODUCED** pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An ordinance rescinding ordinance 15628 and replacing with a special privilege to HCA Health Science of Texas, Inc. DBA Las Palmas Medical Center permitting the encroachments onto public rights-of-way with two (2) subsurface chiller water lines, one (1) subsurface concrete electrical duct bank, one (1) subsurface fire line, one (1) staff/patient sky bridge which will include cable and conduit, four (4) emergency fire doors, and one (1) metal awning along Oregon Street and Rim Road.
(SP-04022, Total Annual Fee: \$11,000.00)
- B. An Ordinance authorizing the City of El Paso to participate in the Texas Enterprise Zone Program under the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code; Providing Tax Incentives; supporting Application of Western Refining Company, L.P. to the Office of the Governor Economic Development & Tourism through the Economic Development Bank for designation as a qualified business and double jumbo project under the Act; Designating a Liaison for overseeing enterprise projects and communicating with interested parties.
- C. An Ordinance granting a Special Privilege to the Sun Bowl Association authorizing the encroachment of forty-two temporary street displays on city fixtures and utility poles on portions of Montana Avenue between Copia Street and Campbell Street designated as the Official Sun Bowl Parade Route and to place the Parade Logo onto the roadway on Montana Avenue between Ange Street and Virginia Street.
SP-04024, Fee: \$2,010.00
- D. An Ordinance vacating a portion of an easement retained by Ordinance 8312 which vacated Williams Street between Blocks 53 & 54, Cotton Addition, City of El Paso, El Paso County, Texas.

PUBLIC HEARING WILL BE HELD ON NOVEMBER 9, 2004 FOR ITEMS A – D

- E. An Ordinance changing the zoning of a portion of Tract 11B, Block 2, Ascarate Grant, El Paso, El Paso County, Texas from M-1 (Light Manufacturing) to C-4 (Commercial). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: JACS Properties, Inc. ZON04-00104
- F. An Ordinance changing the zoning of a Portion of Tract 62, S.A. & M.G. Railroad Company Survey No. 267, El Paso, El Paso County, Texas (5210 Doniphan Drive) be changed from R-4 (Residential) to C-1 (Commercial) and Tract 58 S.A. & M.G. Railroad Company Survey No. 267, El Paso, El Paso County, Texas (122 Thorn Avenue) be changed from R-4 (Residential) to A-O (Apartment/Office). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Seggy Corporation. ZON04-00116

PUBLIC HEARING WILL BE HELD ON NOVEMBER 16, 2004 FOR ITEMS E – F

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

.....
Motion made by Representative Cushing, seconded by Representative Austin and unanimously carried to consider the following two items concurrent:

Representative Escobar was not present for the vote.

1. A resolution formally commencing renewal proceedings for a Cable Television Franchise for the City of El Paso, Texas.
2. Discussion and action on the Annual Report by the Cable Communications Commission, and the Commission's recommendations and findings.

Representatives Cushing and Cobos commented.

Ms. Judy Maddox, Cable Communications Commission Chairman, provided copies to Council Members (on file in the City Clerk's office) and commented.

1ST MOTION:

Representative Cushing moved to move both items above to a Legislative Review Committee of the Whole Meeting. Representative Lozano seconded.

Representative Cushing withdrew his motion.

Ms. Judy Maddox, Cable Communications Commission Chairman, stated that there is a Cable Communications Commission meeting scheduled for November 8, 2004.

Representative Cushing amended his motion to schedule a Legislative Review Committee of the Whole meeting for November 8, 2004. Representative Escobar seconded.

Representative Cobos expressed that Mayor Wardy would like to attend the meeting and suggested to call a Special City Council meeting for November 8, 2004.

Representative Cushing amended his motion and Representative Escobar seconded to call a Special City Council meeting on November 8, 2004.

2ND AND FINAL MOTION:

Motion made by Representative Cushing, seconded by Representative Escobar and unanimously carried to move the discussion and action on the Annual Report by the Cable Communications Commission, and the Commission's recommendation and findings to a Special City Council Meeting to be scheduled for November 8, 2004, in conjunction with the Cable Communications Commission's scheduled meeting.

.....
Motion made by Representative Cook, seconded by Representative Lozano and unanimously carried to **APPROVE** the request of West Texas Confederation of Clubs to hold a motorcycle toy run on November 7, 2004 from 11:15 a.m. to 12:30 p.m. Route: Start at the Stateline Restaurant on Sunland Park Drive to Paisano, proceed north on Paisano, east to Boone, south to Delta, east to North Loop, east to Lee Trevino, north to Gateway East, east to Margarita's Night Club (19.8 miles). Approximately 400 persons, 5 vehicles, and 250 motorcycles will take part. Request waiver of fees for \$15.75 for processing of application and waiver of fees for the necessary police traffic assistance. Signed affidavit submitted. PERMIT NO. 04-127 [Armando Parra]

Representative Cobos was not present for the vote.

Mr. Armando Parra, citizen, commented.

.....
Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to **APPROVE** the request of United American Veterans Organization to hold a Veteran's Day parade on November 6, 2004 from 10:00 a.m. to 1:00 p.m. Route: Start at Myrtle and Florence, proceed west to Kansas, and turn left on Kansas to Overland, turn right on Overland to El Paso, turn right on El Paso to Mills St., turn right on Mills St. to Kansas St., turn right on Kansas St. to Texas, turn left on Texas to Florence and disband. The reviewing stand will be on the south side of San Jacinto Plaza on Mills St. Staging areas to be used: Florence, Ochoa, Virginia, St. Vrain, and one block on east side of Myrtle. Approximately 1,300 persons, 100 vehicles will take part and 4,000-5,000 spectators are anticipated. This request includes permission to use amplification (KBNA-1 microphone and amplifier across reviewing stand). Request waiver of fees for the necessary police traffic assistance. Signed affidavit submitted. PERMIT NO. 04-128 [Ka Davis]

Representative Cobos was not present for the vote.

.....
Motion made by Representative Lozano, seconded by Representative Rojas and unanimously carried to **APPROVE** the request of Operation Santa Claus to hold a toy delivery parade on December 10, 2004 from 1:00 p.m. to 3:00 p.m. Route: Start at Pleasonton/Chelsea gate, proceed on Chelsea to Paisano; proceed on Paisano to St. Vrain, turn left on St. Vrain to Sixth St., turn right on Sixth St. to Florence and finish at the Boys & Girls Club. Streets blocked will be Sixth St. between Ochoa & Campbell, Florence between Seventh St. & Father Rahm, and Ochoa between Seventh & Father Rahm. Approximately 200 persons, 27 vehicles will take part and 150 spectators are anticipated. This request includes permission to use amplification (400 amp with 2 speakers). Request waiver of fees for necessary police traffic assistance for a parade. Signed affidavit submitted. PERMIT NO. 04-098 [Sergeant First Class James Prim]

Sergeant First Class James Prim commented.

.....
RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to execute an agreement between the City of El Paso and West Texas Confederation of Clubs for the Motorcycle Toy Run on November 7, 2004, which constitutes an important public purpose of benefit to the City and citizens of El Paso. The Agreement provides that the City will make available the necessary funds to cover the costs of the on-duty police traffic control assistance, not to exceed twenty-five (25) on-duty police officers and twenty-five (25) vehicles for the parade.

Representative Cobos was not present for the vote.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to **APPROVE** the above Resolution.

Representative Cobos was not present for the vote.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Motion made by Representative Lozano, seconded by Representative Rojas and unanimously carried to **APPROVE** the above Resolution.

This requirement will be reviewed by the user department.

Representative Cobos commented.

Mr. Byron Johnson, Director of Purchasing, commented.

Mr. Byron Johnson, Director of Purchasing, commented.

*Motion made by Representative Cushing, seconded by Representative Austin and unanimously carried to **POSTPONE ONE (1) WEEK** the discussion and action on a Resolution approving Detailed Site Development Plan No. ZON04-00070, for Tract 23 B, Block 29, Ysleta Grant and Tract 8H, Block 33, Ysleta Grant, El Paso, El Paso County, Texas (131 South Yarbrough Dr.) pursuant to zoning conditions as imposed by Ordinance No. 014916. The Penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Ricardo Olague.

Representative Escobar was not present for the vote.

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*Motion made by Representative Cushing, seconded by Representative Austin and unanimously carried to **POSTPONE ONE (1) WEEK** the discussion and action on a Resolution approving Detailed Site Development Plan No. ZON04-00107, for Tract 17 G, Block 36, Ysleta Grant, El Paso, El Paso County, Texas (8613 Alameda Street), pursuant to zoning conditions as imposed by Ordinance No. 010372. The Penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Mario Betancourt.

.....
Motion made by Representative Lozano, seconded by Representative Rojas and unanimously carried to **POSTPONE ONE (1) WEEK** an Ordinance changing the zoning of Lots 27, 28, and 29, Block 2, Val Verde Addition, El Paso, El Paso County, Texas (215 Concepcion Avenue) from M-1 (Light Manufacturing) to C-4 (Commercial). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Steve Escamilla. ZON04-00109.

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and answered questions from and responded to comments made by the Council Members.

Representative Lozano moved to postpone the ordinance for one week. Representative Cushing seconded. No vote was taken.

Representatives Cobos and Rojas commented.

.....
Item: An Ordinance changing the zoning of Westerly 42 Feet of Lot 17 to 20 and the Westerly 42 Feet of the Southerly 16 feet of Lot 16, Block 20, Alexander Addition, El Paso, El Paso County, Texas (501 East California Avenue) from A-2 (Apartment) to A-O (Apartment/Office). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Jamie Barron. ZON04-00110.

1ST MOTION:

Motion made by Representative Cushing, seconded by Representative Cobos and carried to **MOVE TO THE FOREFRONT OF THE REGULAR AGENDA** an Ordinance changing the zoning of Westerly 42 Feet of Lot 17 to 20 and the Westerly 42 Feet of the Southerly 16 feet of Lot 16, Block 20, Alexander Addition, El Paso, El Paso County, Texas (501 East California Avenue) from A-2 (Apartment) to A-O (Apartment/Office). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Jamie Barron. ZON04-00110.

AYES Representatives Austin, Cushing, Lozano, Escobar, Rojas and Cobos
NAYS: Representative Cook

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and answered questions from and responded to comments made by the Council Members.

Representatives Cobos, Escobar, Cushing, Rojas, and Cook commented.

Ms. Joyce Wilson, City Manager, and Ms. Lisa A. Elizondo, City Attorney, commented.

Ms. Richarda Duffy Momsen, City Clerk, presented to the Council Members a petition, submitted that morning, in opposition to the zoning change (on file in the City Clerk's office).

The following individuals spoke in opposition to the rezoning:

1. Noel Yslas, citizen;
2. Beatrice Lych, citizen;
3. Esther Castro, citizen; and
4. Beatrice Garcia, citizen

The following individuals spoke in favor of the rezoning.

1. Jamie Barron, applicant;
2. Monica Beltran, citizen;
3. Maricela Chavolina, citizen;
4. Richard Haddad, citizen; and
5. Dr. Pat Monardes, citizen

2ND MOTION:

Motion made by Representative Cook, seconded by Representative Rojas and unanimously carried to **POSTPONE ONE (1) WEEK** an Ordinance changing the zoning of Westerly 42 Feet of Lot 17 to 20 and the Westerly 42 Feet of the Southerly 16 feet of Lot 16, Block 20, Alexander Addition, El Paso, El Paso County, Texas (501 East California Avenue) from A-2 (Apartment) to A-O (Apartment/Office). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Jamie Barron. ZON04-00110.

3RD MOTION:

Motion made by Representative Cobos, seconded by Representative Lozano and carried to **RECONSIDER** an Ordinance changing the zoning of Westerly 42 Feet of Lot 17 to 20 and the Westerly 42 Feet of the Southerly 16 feet of Lot 16, Block 20, Alexander Addition, El Paso, El Paso County, Texas (501 East California Avenue) from A-2 (Apartment) to A-O (Apartment/Office). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Jamie Barron. ZON04-00110.

AYES Representatives Austin, Cushing, Lozano, Escobar, Rojas and Cobos

NAYS: Representative Cook

Representative Cobos moved to postpone one (1) week, Representative Cook seconded.

Representative Cook withdrew his second to allow Ms. Beatrice Garcia to speak in opposition to the zoning change.

4TH MOTION:

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **POSTPONE ONE (1) WEEK** an Ordinance changing the zoning of Westerly 42 Feet of Lot 17 to 20 and the Westerly 42 Feet of the Southerly 16 feet of Lot 16, Block 20, Alexander Addition, El Paso, El Paso County, Texas (501 East California Avenue) from A-2 (Apartment) to A-O (Apartment/Office). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Jamie Barron. ZON04-00110.

5TH MOTION:

Motion made by Representative Escobar, seconded by Representative Rojas and unanimously carried to **RECONSIDER** an Ordinance changing the zoning of Westerly 42 Feet of Lot 17 to 20 and the Westerly 42 Feet of the Southerly 16 feet of Lot 16, Block 20, Alexander Addition, El Paso, El Paso County, Texas (501 East California Avenue) from A-2 (Apartment) to A-O (Apartment/Office). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Jamie Barron. ZON04-00110.

6TH AND FINAL MOTION:

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **POSTPONE ONE (1) WEEK** an Ordinance changing the zoning of Westerly 42 Feet of Lot 17 to 20 and the Westerly 42 Feet of the Southerly 16 feet of Lot 16, Block 20, Alexander Addition, El Paso, El Paso County, Texas (501 East California Avenue) from A-2 (Apartment) to A-O (Apartment/Office). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Jamie Barron. ZON04-00110.

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ORDINANCE 15925

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON04-00064, TO ALLOW FOR INFILL DEVELOPMENT ON LOTS 1 - 4, BLOCK 76C, LOGAN HEIGHTS, EL PASO, EL PASO COUNTY, TEXAS (FLORY AVENUE & STEVENS STREET), PURSUANT TO SECTION 20.14.040 (ZONING) OF THE EL PASO MUNICIPAL CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and answered questions from and responded to comments made by the Council Members.

Mr. George G. Sarmiento, Director of Planning, Research and Development, commented.

Representatives Cushing, Rojas, Austin and Cook commented.

The following individuals spoke in opposition to the zoning change request:

1. Sandra Martinez, citizen; and
2. Guadalupe Rodriguez, citizen

The City Clerk called for further public comment. There was no further public comment.

Motion duly made by Representative Cushing, seconded by Representative Cobos, that the Ordinance be **ADOPTED**. Whereupon the Mayor Pro Tempore ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Escobar and Cobos
NAYS: Council Members Cook and Rojas Absent: None

Whereupon the Mayor Pro Tempore ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
ORDINANCE 15926

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF HART PRE-EMPTION SURVEY NO. 2, EL PASO, EL PASO COUNTY, TEXAS FROM A-2 (APARTMENT) TO C-3 (COMMERCIAL). THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Representative Austin commented.

Mr. Rudy Valdez, Chief Urban Planner, commented.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Austin, seconded by Representative Cobos, that the Ordinance be **ADOPTED**. Whereupon the Mayor Pro Tempore ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor Pro Tempore ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
*Motion made by Representative Cushing, seconded by Representative Austin and unanimously carried that Representative Jose Alexandro Lozano **AUTHORIZES THE ALLOCATION** of \$250 from District 3 **DISCRETIONARY FUNDS** to the San Juan Recreation Center for their Halloween Party to be held on October 31, 2004.

Representative Escobar was not present for the vote.

.....
Motion made by Representative Cook, seconded by Representative Rojas and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 12:16 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss and take action on any of the following:

Section 551.071 CONSULTATION WITH ATTORNEY
Section 551.072 DELIBERATION REGARDING REAL PROPERTY
Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074 PERSONNEL MATTERS
Section 551.076 DELIBERATION REGARDING SECURITY DEVICES
Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

- A. Discussion and action re *Resler Interstate 10 Development, Inc., and Hunt Building Company, Ltd. v. City Plan Commission of the City of El Paso, et al*, Cause No. 2004-4098 in the 41st District Court of El Paso County, Texas. (551.071)
- B. Discussion and action re *Patrick Garcia and Sandra Garcia v. City of El Paso, Texas*, Cause No. 2004-3786 in the 171st Judicial District Court of El Paso County, Texas. (551.071)
- C. Discussion and action re Luis Maldonado v. the City of El Paso, et al, Case No. EP-04-0043-PRM, in the United States District Court for the Western District of Texas. (551.071)
- D. Discussion and action on applications to the El Paso County Water Improvement District Number One for City of El Paso use of District Real Property. (551.071)
- E. Discussion, deliberation and action on economic development related negotiations with a business prospect; the possible offer of financial or other incentives to the business prospect; and authorization for the Mayor to sign a letter in support of an application by the business prospect to the State of Texas for designation as an enterprise project. (551.087)
- F. Discussion and Action on Personnel Item - Clyde Overson (551.074)
- G. Discussion and Action on Personnel Item - Alvaro (Al) Martinez (551.074)

Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to adjourn the Executive Session at 1:31 p.m. and reconvene the meeting of the City Council, during which time motions were made as follows.

Motion made by Representative Escobar, seconded by Representative Cook and unanimously carried that the City Attorney's Office be **AUTHORIZED TO DEFEND** the City Plan Commission and each commissioner thereof, in their official capacity, in the lawsuit styled *Resler Interstate 10 Development, Inc. and Hunt Building Company, Ltd. vs. City Plan Commission of the City of El Paso, et. al.*, Cause No. 2004-4098, and to authorize the City Manager to execute all appropriate documents for the City Attorney's Office to enter into this representation. Motion further made, seconded and carried that the City of El Paso acknowledges a potential conflict of interest between the City Council and Defendants in the above lawsuit; City Council acknowledges that the City Attorney's Office may in the future develop a conflict of interest that prevents it from representing both the City of El Paso and Defendants in this and any other related litigation. The City of El Paso acknowledges that in the event a conflict of interest develops, the City Attorney's Office will be unable to represent the City or the City Plan Commission or its members in this or any related litigation and that all parties would then be required to retain new, separate attorneys. The City of El Paso nonetheless consents to this representation.

Motion made by Representative Escobar, seconded by Representative Cook and unanimously carried that the City Attorney's Office be provided **SETTLEMENT AUTHORITY** in the case entitled *Luis L. Maldonado vs. the City of El Paso, Chief Carlos Leon, et. al.*, Cause No. EP-04-CA-0043-PRM in the United States District Court for the Western District of Texas as recommended by the City Attorney's Office, and to authorize the City Manager to execute all appropriate documents to effectuate that authority.

Motion made by Representative Escobar, seconded by Representative Cushing and unanimously carried that the City Attorney's Office be provided **SETTLEMENT AUTHORITY** in the case entitled *Patrick Garcia and Sandra Garcia vs. City of El Paso, Texas, Cause No. 2004-3786* in the 171st Judicial District as recommended by the City Attorney's Office, and to authorize the City Manager to execute all appropriate documents to effectuate that authority.

NO ACTION WAS TAKEN on the discussion and action of the following executive session item:

Discussion and action on applications to the El Paso County Water Improvement District Number One for City of El Paso use of District Real Property. (551.071)

Motion made by Representative Escobar, seconded by Representative Cushing and unanimously carried to **AUTHORIZE** the Director of the Economic Development Department to conduct economic-development related negotiations with a business proposing to relocate to or expand its operation in the City of El Paso and to offer financial or other incentives to such business prospect; and to authorize the Mayor to sign a letter in support of an application by the business prospect to the State of Texas for designation as an enterprise project.


Motion made by Representative Escobar, seconded by Representative Cushing and unanimously carried to **DELETE** the following executive session item:

Discussion and Action on Personnel Item - Clyde Overson (551.074)

Motion made by Representative Escobar, seconded by Representative Cook and unanimously carried that the employment contract with Alvaro (Al) Martinez be **TERMINATED FOR CONVENIENCE**.

Motion made by Representative Escobar, seconded by Representative Rojas and unanimously carried to **ADJOURN** this meeting at 1:39 p.m.

APPROVED AS TO CONTENT:

A handwritten signature in cursive script, appearing to read "R. Duffy Momsen", written in black ink.

Richarda Duffy Momsen, City Clerk